

## RESOLUTION 2023-11

**A RESOLUTION OF THE CITY OF BANNING, CALIFORNIA, AMENDING THE DOWNTOWN COMMERCIAL ZONING DISTRICT (TITLE 17, DIVISION II, CHAPTER 17.12, ARTICLE I & II) BY ADDING NEW PERMITTED AND CONDITIONALLY PERMITTED USES TO TABLE 17.12.020 AND AMENDING THE COMMERCIAL AND INDUSTRIAL DEVELOPMENT STANDARDS (TABLE 17.12.030, TABLE 17.12.050, CHAPTERS 17.12.060 AND 17.12.070) OF THE CITY OF BANNING MUNICIPAL CODE (BMC) AND MAKING A DETERMINATION OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”). THE ZONING TEXT AMENDMENT AFFECTS ALL PARCELS WITHIN THE DOWNTOWN ZONING DISTRICT.**

**WHEREAS**, Section 17.116.010 (“Purpose”) of the Banning Municipal Code (“BMC”) provides that the City Council may amend the provisions of the Zoning Ordinance (BMC Title 17) for the public health, environmental protection, safety, general welfare and the aesthetic harmony of the City; and

**WHEREAS**, BMC Section 17.116.020 further provides that amendments to the Zoning Ordinance may be proposed by the City Council; and

**WHEREAS**, pursuant to Section 17.116.030 of the BMC the Planning Commission is required to take make a written recommendation to the City Council on whether to approve, approve in modified form, or disapprove based upon certain findings being made, the proposed amendments to Title 17 (Zoning) as set forth in the Ordinance attached as Exhibit B to this Resolution but no such recommendation is required for amendments to other titles of the BMC; and

**WHEREAS**, on May 26, 2023, the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, of the holding of a public hearing before the Planning Commission at which the proposed amendments to Title 17 (Zoning) would be considered; and

**WHEREAS**, on July 12, 2023, the Planning Commission of the City of Banning held a duly noticed public hearing regarding the proposed amendments to Title 17 (Zoning), at which time all persons interested in the contents of the proposed amendments to Title 17 (Zoning) had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony and deliberation, the Planning Commission adopted Resolution 2023-11 recommending that the City Council adopt an ordinance adding Chapter 17.12 (Commercial and Industrial Districts) to Division II (Land Use Districts) of Title 17 (Zoning) of the Banning Municipal Code adopting amendments to the Commercial and Industrial Uses and Design Standards and making a determination of exemption from the California Environmental Quality Act (CEQA).

**NOW THEREFORE**, the Planning Commission of the City of Banning does hereby resolve, determine, find, and order as follows:

## **SECTION 1. ENVIRONMENTAL DETERMINATION:**

### **A. California Environmental Quality Act (CEQA)**

(1) Planning Division staff find and determine that the proposed amendments to Title 17 (Zoning), as set forth in Exhibit B to this Resolution, is not subject to CEQA pursuant to State CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty there is no possibility these amendments may have a significant effect on the environment. Further projects subject to proposed amendments to Title 17 (Zoning) will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA.

(2) The Planning Commission has reviewed staff's determinations of exemption from CEQA and hereby recommends that the City Council, based on its own independent judgement, concur with staff's determination of exemption.

## **SECTION 2: REQUIRED FINDINGS FOR AMENDMENT TO TITLE 17 (ZONING):**

Section 17.116.030 of the Banning Municipal Code provides that the Planning Commission shall make a written recommendation on a proposed amendment to the Zoning Ordinance (Title 17) whether to approve, approve in modified form, or disapprove based upon their findings.

**Finding A:**                **The proposed Amendment is consistent with the goals and policies of the General Plan.**

**Findings of Fact:** The proposed amendment to Title 17 (Zoning) is consistent with the following goals and policies of the General Plan:

### **Community Development Element:**

#### **Goal**

A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents.

#### **Policy 1**

The City maintain a land use map which assures a balance of residential, commercial, industrial open space and public lands.

#### **Policy 2**

The Planning, Public Works and Economic Development staff's shall be closely coordinated, to assure [sic] efficient and cost effective processing of applications.

### Policy 3

Development in all land use categories shall be of the highest quality.

### Policy 4

Specific Plans shall be required to for projects proposing one or more of the following:

- a. More than one residential land use designation;
- b. A combination of residential, commercial and/or industrial land use designation; or
- c. Extension of infrastructure (water, sewer and roadways) into an area where these do not exist.

### Policy 5

All land use proposals shall be consistent with the goals, policies and programs of this General Plan, and with the Zoning Ordinance.

### Policy 6

The City shall implement a program for art in public places.

## **Housing Element:**

### Goal

Promote the maintenance and preservation of the City's existing housing stock.

### Policy 1.1

Encourage the revitalization of the existing housing stock through rehabilitation programs.

### Policy 1.2

Continue to establish and enforce property maintenance regulations that promote the sound maintenance of property and enhance the livability and appearance of residential areas.

### Policy 1.3

Promote the development of attractive and safe housing to meet community needs.

**Findings of Fact:** The proposed amendment to Title 17 (Zoning) is internally consistent with the rest of Title 17. This proposed amendment will create opportunities for economic development within the Downtown Commercial District.

**Findings of Fact:** The Project will implement Housing Element Policy 2.2 by supporting the development of housing affordable to all income groups by utilizing a variety of public and private effort.

**Finding C:** That the City Council has independently reviewed and considered the requirements of CEQA.

**Findings of Fact:** As stated in Section 1 of this Resolution, Planning Division staff find and determine that the proposed amendments to Title 17 (Zoning), as set forth in Exhibit B to this Resolution, is not subject to CEQA pursuant to State CEQA Guidelines Section 15061(b)(3); the Planning Commission has reviewed staff's determinations of exemption from CEQA, and recommends that the City Council, based on its own independent judgement, concur with staff's determination of exemption and direct the Community Development Director to file the Notice of Exemption attached as Exhibit A to this Resolution.

#### **SECTION 4. PLANNING COMMISSION ACTION:**

Based on the findings specified above, and all other evidence in the record, the Planning Commission hereby recommends that the City Council make a finding of exemption from CEQA as set forth in Exhibit A and adopt an ordinance adding chapter 17.12 (Commercial and Industrial Districts) to Division II (Land Use Districts) of Title 17 (Zoning) of the BMC adopting objective residential design standards decreases the barriers to entry as related to multi-family and high density residential development as set forth in Exhibit B. The ordinance amendment effects all parcels within the Downtown Commercial Zoning District as set forth in Exhibit C.



**PASSED, APPROVED, AND ADOPTED** this 12<sup>th</sup> day of July, 2023.

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Richard Krick, Chairman  
City of Banning Planning Commission

ATTEST:

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Sandra Calderon, Recording Secretary  
City of Banning, California

**APPROVED AS TO FORM  
AND LEGAL CONTENT:**

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Brenden B. Kearns, Assistant City Attorney  
Richards, Watson & Gershon

**CERTIFICATION:**

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution 2023-11, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 12<sup>th</sup> day of July, 2023, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Sandra Calderon, Recording Secretary  
City of Banning, California

**EXHIBIT A**  
Notice of Exemption (NOE)

## Notice of Exemption

Appendix E

To: ☐ Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

From: **City of Banning**  
*Community Development Dept.*  
*P.O. Box 998*  
*Banning, CA 92220*

☒ County Clerk  
County of Riverside  
P.O. Box 751  
Riverside, CA 92502-0751

### Project Title:

A Zoning Text Amendment (ZTA 23-97502) Establishing Amended Uses and Adding Development Standards for Multi-family and High Density Residential Uses in the Downtown Commercial Zoning District.

### Project Location – Specific:

All Parcels, All Properties, in the Downtown Commercial Zoning District, City of Banning (See Exhibit "C")

Project Location – City: *City of Banning*

Project Location – County: *Riverside*

### Description, Nature, Purpose, and Beneficiaries of Project:

Amending Chapter 17.12 of Title 17 (Zoning) of the BMC Adopting Amendments to the Permitted, Conditional, and Prohibited Uses and Development Standards, Adding Multi-family and High Density Residential Uses.

Name of Public Agency Approving Project: *City of Banning Planning Commission*

Name of Person or Agency Carrying Out Project: **City of Banning**

### Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268):
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a):
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c):
- ☐ Categorical Exemption. State type and section number: 7
- ☒ Statutory Exemptions. State code number: 15061(b)(3)

### Reasons why project is exempt:

Planning Division staff find and determine that the proposed amendments to Title 17 (Zoning), as set forth in Exhibit B to this Resolution, is not subject to CEQA pursuant to State CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty there is no possibility these amendments may have a significant effect on the environment. Further projects subject to proposed amendments to Title 17 (Zoning) will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA.


### Lead Agency

Contact Person: Adam Rush

Area Code/Telephone/Extension: (951) 922-3125

### If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☒ Yes ☐ No

Signature:  Date: 06/02/2023 Title: *Community Development Director*

- ☒ Signed by Lead Agency
- ☐ Signed by Applicant

Date received by OPR:

**EXHIBIT “B”**  
Zoning Text Amendment (ZTA) 23-97502

## **ORDINANCE 1591**

**AN ORDINANCE OF THE CITY OF BANNING, CALIFORNIA, AMENDING THE DOWNTOWN COMMERCIAL ZONING DISTRICT (TITLE 17, DIVISION II, CHAPTER 17.12, ARTICLE I & II) BY ADDING NEW PERMITTED AND CONDITIONALLY PERMITTED USES TO TABLE 17.12.020 AND AMENDING THE COMMERCIAL AND INDUSTRIAL DEVELOPMENT STANDARDS (TABLE 17.12.030, TABLE 17.12.050, CHAPTERS 17.12.060 AND 17.12.070) OF THE CITY OF BANNING MUNICIPAL CODE (BMC) AND MAKING A DETERMINATION OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”). THE ZONING TEXT AMENDMENT AFFECTS ALL PARCELS WITHIN THE DOWNTOWN ZONING DISTRICT.**

The City Council of the City of Banning does hereby ordain as follows:

### **SECTION 1.** Findings and Purpose.

- A. The City of Banning created the Downtown Zoning District in 2006.
- B. Table 17.12.020, footnote number six restricts multi-family use to existing units only.
- C. The inclusion of new multi-family and high density development is critical to creating a vibrant downtown.
- D. Only nine new commercial developments were authorized by the Commission within the Downtown Zoning District since 2006.
- E. Multi-family development is restricted to 18 dwelling units per acre in the current ordinance.
- F. The City’s Housing Element requires establishing residential density at 30 dwelling units per acre.
- G. The City’s Housing Element requires establishing a zone or zone that authorizes certain multi-family/high density housing projects “by right” or as a ministerial decision.
- H. Adoption of objective residential design standards decreases the barriers to entry as related to multi-family and high density residential development.
- I. Including reasonable regulations, for multi-family and high density residential development, is necessary as a means of documenting and preserving these properties.
- J. The City Council is authorized per Chapter 17.116 (Zoning Ordinance Amendments) of the City of Banning Municipal Code to approve, approve with modifications, or disapprove amendments to the Zoning Ordinance.
- K. The City of gave public notice on May 26, 2023, by advertisement in the Record Gazette newspaper, of a public hearing concerning the Planning Commission’s consideration of the proposed Zoning Text Amendment 23-97501
- L. On July 12, 2023, the Planning Commission at a duly noticed public hearing adopted Resolution 2023-11 recommending City Council adopt an ordinance

amending Title 17 (Zoning) of the Banning Municipal Code to adopt changes to the authorized land uses, design standards, and guidelines.

M. On August \_\_, 2023, the City Council at a duly noticed public hearing considered and introduced Ordinance 1591 amending and Title 17 (Zoning) of the Banning Municipal Code to adopt changes to the authorized land uses, design standards, and guidelines.

N. On \_\_\_\_\_, 2023, the City Council adopted Ordinance 1591.

O. The City Council hereby finds and determines:

- a. This Ordinance is consistent with the goals and policies of the City's Housing Element to continue to annually monitor underutilized properties and sites that have a potential for alternative housing options and offer the information to interested developers on an on-going basis.
- b. Rezone underutilized commercial, office, and or industrial space, as appropriate, to facilitate use for alternative housing types on or before October 2023, and then annually as opportunities arise.
- c. Develop, as part of a zoning ordinance update, measures that encourage affordability by design (e.g., smaller, more efficient and flexibly-design living spaces).
- d. Encourage innovative housing structures, such as micro-unit housing and new shared and intergenerational housing models to help meet the housing needs of aging adults, students, and lower-income individuals citywide.
- e. This Ordinance is internally consistent with the City's zoning ordinance.
- f. The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act ("CEQA"), and has determined that the code amendments contained in Section 2 and the zoning text amendments contained in Section 3 of this Ordinance are categorically exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty there is no possibility these amendments may have a significant effect on the environment.

**SECTION 2.** Amending Chapter 17.12, to Division II of Title 17 updating and modifying the Multi-family site planning and architecture design standards and the Permitted Uses along with Commercial and Industrial Development Standards shall read as follows:

#### **"Chapter 17.12 – COMMERCIAL AND INDUSTRIAL DISTRICTS**

##### **Sections:**

**17.12.010 – Districts designated.**

**17.12.020 – Permitted, Conditional and Prohibited Commercial and Industrial Uses.**

**17.12.030 – Commercial and Industrial Development Standards.**

**17.12.050 – Use Specific Development Standards.**

### 17.12.010 – Districts designated.

The following section will be amended as follows:

- i. Downtown Commercial (DC).
  1. This District occurs on Ramsey Street, between 8th Street and Hargrave Street on the west and east, by Interstate 10 on the south, and by Williams and Nicolet on the north. This area is the City's traditional commercial core, and has special significance to the community because small scale commercial retail and office uses, services, restaurants, ~~and~~ entertainment, and hospitality, ~~retail~~ are the primary uses in this district. Mixed Use, residential land uses in combination with commercial businesses, are also encouraged. Bed and breakfasts, hotels and motels are also appropriate in this district.
  2. New auto related uses proposed after adoption of the 2005 General Plan will be prohibited. All existing auto uses in existence as of the adoption of the 2005 General Plan will be permitted until such time as the use in a particular location ceases operation for a period of six months.
  3. Special standards and permits are applied to this district, and are included under Development Standards, Article II of this chapter.
  4. Residential development standards, specific to the Downtown Commercial District, are also included under Development Standards, Article II of this chapter.

### 17.12.020–Permitted, Conditional, Prohibited Commercial and Industrial Uses.

The purpose of this chapter is to identify the in the commercial and industrial districts which are Permitted, subject to a Conditional Use Permit or Prohibited.

The proposed amendment will add or change the following uses to Permitted in the Downtown Commercial Zoning District:

- 1) Pocket Park, Tot Lot, Splash Pad
- 2) Private Park, Sports Courts for rent\hourly
- 3) Public Art/Street Furn./Chess Checker Tables
- 4) Outdoor Food Court/Food & Beverage Kiosk
- 5) Outdoor Entertainment/Amphitheater
- 6) Arcade/Internet Café
- 7) Billiard parlors/pool halls<sup>1</sup>

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<sup>1</sup> Use is changing from Conditionally Permitted to Permitted.



- 8) Health/fitness facilities<sup>2</sup>
- 9) Indoor recreation centers<sup>3</sup>
- 10) Private Education/Learning Institution
- 11) Arcade/Internet Café
- 12) Private Education/Learning Institution
- 13) Studios for Film, Motion Picture, Sound Engr.
- 14) Florist
- 15) Music/Musical Instrument Sales/Instruction
- 16) Office Supply/Printing
- 17) Wine Tasting Room
- 18) Jeweler/Jewelry Repair/Lapidary
- 19) Hookah and Smoking Lounges
- 20) Hobby Shop
- 21) Hotels and motels
- 22) Interior Design Studio
- 23) Tailor/Clothier/Tuxedo Rental
- 24) Transit Stop/Multi-Modal
- 25) Breweries and distilleries
- 26) Breweries and distilleries, ancillary to a bar or restaurant
- 27) Caretaker/watchperson's dwelling<sup>4</sup>
- 28) Live/Work Units
- 29) Multi-Family Dwellings, new
- 30) Single-family dwellings, new
- 31) Accessory Dwelling Unit

The proposed amendment will add the following uses as Conditionally Permitted in the Downtown Commercial Zoning District:

5. Auction Services/Auction House
6. Novelty Shop

The proposed amendment will remove the following uses from the Downtown Commercial Zoning District:

- 1) Business support/secretarial services
- 2) Video rental stores

#### **17.12.030 – Commercial and Industrial Development Standards.**

Amending the standards to increase the “Maximum Building Coverage (%)” from 75% to 80%; and

Amending the standards to increase the “Maximum Height (stories/feet)” from “4 stories or 60-feet” to “5 stories or 80-feet”.

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<sup>2</sup> Use is changing from Conditionally Permitted to Permitted.

<sup>3</sup> Use is changing from Conditionally Permitted to Permitted.

<sup>4</sup> Use is changing from Conditionally Permitted to Permitted.

#### **17.12.050(H) – Use Specific Development Standards.**

Amending the standards the “Downtown Commercial Development Standards” to amend the text as follows:

- H. Downtown Commercial Development. The Downtown Commercial zoning district applies to a clearly defined and limited area of the City which represents its core and its history. The following standards shall apply to all structures and land uses in the Downtown Commercial district. Design guidelines shall be utilized in concert with these standards.
  - 1. All land uses permitted by right in Table 17.12.020 in the Downtown Commercial district, and proposed for an existing structure, without expanding that structure, shall require a business license. No Design Review shall be required.
  - 2. Multi-family/High Density residential uses shall be permitted at a density of up to ~~18~~ 30 dwelling units per acre. Multi-family residential uses are prohibited on the ground floor on Ramsey Street and San Geronio within the Downtown Commercial district. Multi-family uses on Ramsey Street and San Geronio must occur above commercial uses. In the balance of the district, multi-family uses may occur on any level.
  - 3. Multi-family residential uses shall be subject to the following Design Standards:
    - a. Minimum front for Multi-family/High Density Units: 15-feet
    - b. Minimum interior side: 4-ft.
    - c. Minimum street side: 4-ft.
    - d. Minimum rear setback: 15-ft.
  - 4. Multi-family residential uses, for lots smaller than 3,000 sf. Or less than 35-ft. wide, shall be subject to the following Design Standards:
    - a. Minimum interior side: 3-feet
    - b. Minimum street side: 3-feet
    - c. Height Regulations
    - d. Maximum height for accessory structures: 15 ft.
  - 5. Multi-family residential uses shall provide the following outdoor space for each unit:
    - a. Private Outdoor Space. A minimum private outdoor space of forty (40) square feet shall be provided for each dwelling unit. Such private outdoor space shall be designed as a patio, deck, or balcony and shall have a minimum length or width of four (4) feet and shall be directly accessible and an integral part of the dwelling unit which it serves.

- b. Common Outdoor Space. A minimum common outdoor space of two hundred (200) square feet shall be provided per dwelling unit for the first twenty-five (25) dwelling units on a lot; a minimum common outdoor space of one hundred fifty (150) square feet shall be provided per dwelling unit for each additional dwelling unit above fifty (50) on a lot. Any common outdoor space shall have a minimum level surface dimension of ten (10) feet and a minimum area of two hundred (200) square feet. Landscaping and seating shall be permanently integrated into all required common outdoor spaces. No street front setback area of street side setback area shall be used for common outdoor space.

### SECTION 3. Adding a new Chapter 17.12.180 and Chapter 17.12.190

The following design standards shall apply to multi-family and high density residential development within the Downtown Commercial (DC) Zoning District and shall read as follows:

#### **“Chapter 17.12 – COMMERCIAL AND INDUSTRIAL DISTRICTS**

##### **Section:**

##### **17.12.180 – Multi-family site planning and architecture design standards**

- A. Building Articulation. In multi-family dwellings, building facades should be broken up and articulated to give the appearance of a collection of smaller structures. Long, unbroken facades and box-like forms should be avoided. Each unit should be distinguishable from adjacent units. Differentiation of units can be accomplished with the use of varied roof heights, colors, finish materials, balconies, setbacks, and projections which help articulate individual dwelling units or collections of units, as well as by the pattern and rhythm of doors and windows.
- B. Clustering of Units. The clustering of multi-family units should be a standard element of site plan design. Structures which are composed of simple yet varied planes, enhance variety and compatibility in the overall building form. Design techniques to be considered and implemented whenever possible include:
  - Staggered and jogged unit planes;
  - Varying front setbacks within the same structure;
  - The incorporation of varied rooflines and wall lines;
  - The use of a variety of orientations to avoid visual monotony.
- C. Project Entries. Attention should always be given to architectural and landscape treatments of entryways to enhance the overall image of a project. Entry areas

should incorporate landscaping, recreational facilities and project directories when possible.

- D. Entry Drives. Colored and textured paving treatment at entry drives is encouraged, however, stamped concrete is not permitted within public street rights of way. The principal vehicular access into a multi-family housing development should be through an entry drive rather than a parking drive.
- E. On-Site Parking and Drives. Parking may be accommodated in higher density projects through the use of parking drives, parking courts, underground garages, and garages within residential buildings. Developments with long, monotonous parking drives or with large, undivided parking lots should be avoided. When parking cannot be provided within residential structures, dispersed parking courts are the desired alternative. Perimeter parking drives should be minimized, and residents often like to have a view of the parking areas which they utilize.
- H. Garages. Garages with parking aprons less than twenty feet in length should have automatic garage door openers and or sectional roll up doors. Individual parking garages within residential structures should be enclosed behind garage doors.
- I. Carports.
  - 1. Carports should not be incorporated into exterior project walls, when these walls are adjacent to streets. The ends of each cluster of carports should be landscaped to provide variety and visual stimulation. Carports can be a useful element in providing shading and cooling for automobiles.
  - 2. Where carports are utilized, they must follow the same criteria for spatial arrangements as parking courts, as described previously in this chapter. Carports may be incorporated with patio walls, or used to help define public and private open space.
- J. Pedestrian Access From Parking. Whenever possible, landscape bulbs should align with major building entrances to provide pedestrian access to the building entrance from a parking court or drive. When landscape bulbs are aligned with entrances, they should be at least two car spaces wide and should include a pathway, as well as vertical landscaping and architectural elements such as trees, trellises, sculpture, hedges and the like.
- K. Open Space.
  - 1. The design and orientation of open space areas should take advantage of available sunlight, and should be sheltered from the noise and traffic of adjacent streets or other incompatible uses. Required common open spaces should be conveniently located for the majority of units. Private open

spaces should be contiguous to the units they serve and should be screened from public view. Whenever possible, children's play areas should be visible from the units.

L. Landscape Areas.

1. Good landscaping can help to bring a residential development into greater harmony with its surrounding natural environment. Landscaping can be used to frame, soften, and embellish the quality of the environment; to buffer units from noise or undesirable views; to break up large expanses of parking; and to separate frontage roads within a project from public streets.
2. In addition to grass and groundcover, trees and tall shrubs are needed. Trees can provide a vertical design element which enhances visual interest. Trees can also be used to provide shading and climactic cooling of nearby residential units and parking spaces. Entrances to residential developments should when possible be oriented toward the green space, open space and recreational areas of the development.

M. Refuse Storage/Disposal.

1. Trash bins must be fully enclosed, and block, stone and other masonry enclosures are preferred. Such enclosures shall be softened with landscaping on their most visible sides. Recommended locations for refuse storage bins include inside parking courts or at the end of the parking bays.
2. Locations should be conveniently accessible for trash collection and maintenance and should not block access to drives during loading operations.

N. Auxiliary Facilities. All auxiliary and support structures within multi-family residential projects such as laundry facilities, recreation buildings and sales/ lease offices should be consistent in architectural design, materials, façade treatments and landscaping, with the rest of the complex. Temporary sales offices should also be compatible with these guidelines.

Q. Security. Multi-family dwellings should be designed to provide the maximum amount of security for residents and visitors. Landscaping should be planned and maintained to provide views into open space areas.

R. Lighting Fixtures/Intensity.

1. Strong and harsh lighting has been shown to be a major stressor to wildlife, and thus is strongly discouraged. All on site lighting shall be stationary, carefully directed away from adjacent properties and public rights-of-way,

and of no more than the intensity appropriate to the residential use of the property.

2. Strong lighting also places excess emphasis on residential developments in a manner which makes them stand apart from other residential developments and other uses, and calls attention to the development in a negative way. Some carefully directed lighting may be used in parking areas for security purposes. Lighting must be directed towards the ground, rather than toward the sky, and overspill into residences must be minimized.

#### **17.12.190 Multi-family architecture.**

The focus of multi-family residential development should be on the creation of high quality residential environments. Although there is no particular required architectural style for any of Banning's neighborhoods or zoning districts, architecture should be compatible with that of the surrounding residences and buildings. Compatibility should include harmonious building style, as well as form, size, scale, color, height, materials, finish orientation, and roofline.

Multi-family residences should be compatible with one another, but each should be unique in some way. Multi-family residences are often developed adjacent to single family neighborhoods, and measures should be taken to ensure that the height and bulk of higher density projects do not negatively impact these lower density residential areas. Multi-family architecture should create the appearance of individual units, and should use same the same quality of materials and treatments as single-family homes. Whenever possible, garages are encouraged over the use of carports.

##### **A. Facade and Roof Articulation.**

1. Long uninterrupted exterior walls should be avoided on all structures. All structure walls should have relief to create an interesting blend with landscaping, structures, shadows and light. Extremely long structures are acceptable, if they are appropriately articulated. However structures exceeding 150 feet in length are discouraged.
2. Separations, changes in plane and height, and the inclusion of elements such as balconies, porches, arcades, dormers, and cross gables mitigate the barracks like quality of flat wall and roofs of excessive length. Secondary hipped or gabled roofs covering the entire mass of a building are preferable to segments of pitched roof applied at the structure's edge.

##### **B. Scale.**

1. Building scale and form should relate to the use of the structure as a multi-family dwelling. Structures should be built on a human scale, so as not to

overwhelm or dominate the neighborhood, or the residents of the immediate dwelling or adjacent dwellings.

2. As multi-family developments are usually taller than one story, their bulk can be imposing on surrounding uses and on single family homes. The scale of such projects should be moderated by the context of their surroundings.

C. Building/Finish Materials.

1. The building and its elements shall be unified in textures, colors, and materials to provide an order and coherence within the project.
2. The composition of materials shall avoid giving the impression of thinness. Veneers should turn corners, avoiding exposed edges.
3. The use of artificial materials (e.g., imitation brick, stone, and other simulated materials) is not allowed.
4. Materials shall be very durable, require low maintenance, and relate a sense of permanence.
5. Frequent changes in materials shall be avoided.
6. Columns, trellises, porches, colonnades, and similar elements shall use materials and colors that are compatible with the adjacent building.
7. The use of wood fencing along a project boundary or adjacent to streets shall not be allowed.

D. Balconies, Porches, and Patios.

1. The incorporation of balconies, porches, and patios (whether private or accessible to use by all residents) within multi-family structures is strongly encouraged for both practical and aesthetic value. These elements should be integrated to break up large wall masses, offset floor setbacks, and add human scale to structures.

E. Dwelling Unit Access.

1. The use of long, monotonous balconies and corridors providing access to five or more units should be avoided. Access points to units should be clustered in groups of four or less. The use of distinctive architectural elements and materials to denote prominent entrances is encouraged.

F. Exterior Stairs.

1. Stairways should be of smooth stucco, plaster or block, with accent trim of complimentary colors, stone or tile work.

G. Carports, Garages, and Accessory Structures.

1. Parking garages within multi-family residential structures should be enclosed behind garage doors. Carports, detached garages, and accessory structures should be designed as an integral part of the architecture of the projects.
2. Garages shall be designed similar in materials, color and detail to the principal structures of the development. Carports may utilize flat roofs but should not project above any exterior walls adjacent to streets.
3. Prefabricated metal carports may not be used. When garages are utilized, doors shall be recessed into walls, rather than flush with the exterior wall. Their design should be simple and unadorned, yet high quality materials should be used such.

#### H. Gutters and Downspouts.

1. Gutters, roof flashing, downspouts, vents and other such features and protrusions should be finished to match the adjacent materials and/or colors. Gutters and downspouts should be concealed unless they are designed as a continuous architectural feature.
2. Exposed gutters used as architectural features should be colored to match fascia or wall material. Exposed downspouts should be colored to match the surface to which they are attached unless copper is used. Roof vents should be colored to match roofing materials or the dominant trim color of the structure.

#### J. Mechanical and Utility Equipment.

1. Utility meters and equipment must be placed in locations which are not exposed to view from the street or from the general grounds, and they must be suitably screened or hidden by bushes, hedges or other landscaping, while still remaining accessible.
2. All screening devices are to be compatible with the architecture and color of the adjacent structures. All mechanical equipment whether mounted on the roof or ground, must be screened from view.

#### K. Antennas.

1. All new units must be pre-wired to accommodate cable reception. All antennas should be placed in attics or building interiors.



2. Satellite antennas are specifically prohibited on roofs, and should be considered early in the design process in terms of location and any required screening.
- L. Walls. Walls and fences are an important part of the streetscape and should be designed thoughtfully. Walls and fences should have the following characteristics:
  1. Both sides of all perimeter walls or fences should be architecturally treated.
  2. Walls should be of smooth stucco finish, or of plaster or of other approved masonry or stonework. They should be designed in a style, materials and color to complement the adjacent dwelling units.
  3. Chain link fences and barbed wire are not acceptable materials.
  4. Wood, masonry, vinyl and adobe are acceptable fence/wall materials.
  5. Decorative masonry walls, including, but not limited to, slump stone and split-face block can be used without a stucco or plaster finish, but must be architecturally treated and complement the adjacent dwelling units.
  6. All property fencing must be compatible in design and of similar materials.

**SECTION 4.** If any section, subsection, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining section or portions of this Ordinance or any part thereof. The Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance, irrespective of any one or more sections, subsections, subdivisions, paragraphs, sentence, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 5.** The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Banning's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

**SECTION 6.** This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_th day of \_\_\_\_2023.

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Alberto Sanchez, Mayor  
City of Banning

**ATTEST:**

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Caroline Patton, Deputy City Clerk  
City of Banning

**APPROVED AS TO FORM AND  
LEGAL CONTENT:**

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Serita Young, City Attorney  
Richards, Watson & Gershon

**CERTIFICATION:**

I, Caroline Patton, Deputy City Clerk of the City of Banning, California, do hereby certify that Ordinance 1591 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the \_\_\_th day of \_\_\_2023, and was duly adopted at a regular meeting of said City Council on the \_\_\_th day of \_\_\_2023, by the following vote, to wit:

AYES:

NOES:

ABSENT:

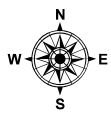
ABSTAIN:

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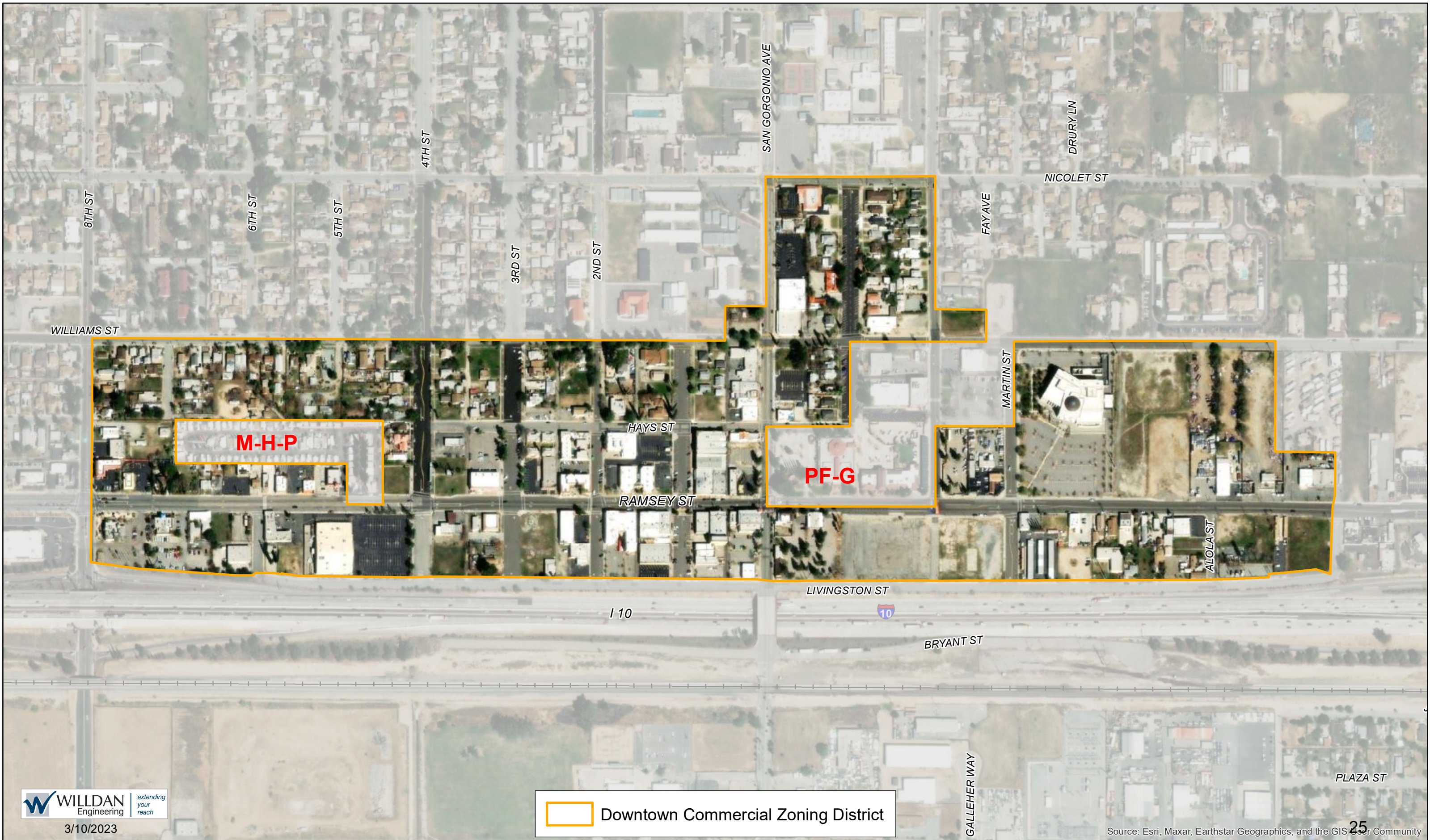
Caroline Patton, Deputy City Clerk  
City of Banning, California

**EXHIBIT “C”**  
Downtown Zoning District Boundary





# CITY OF BANNING DOWNTOWN COMMERCIAL ZONING DISTRICT

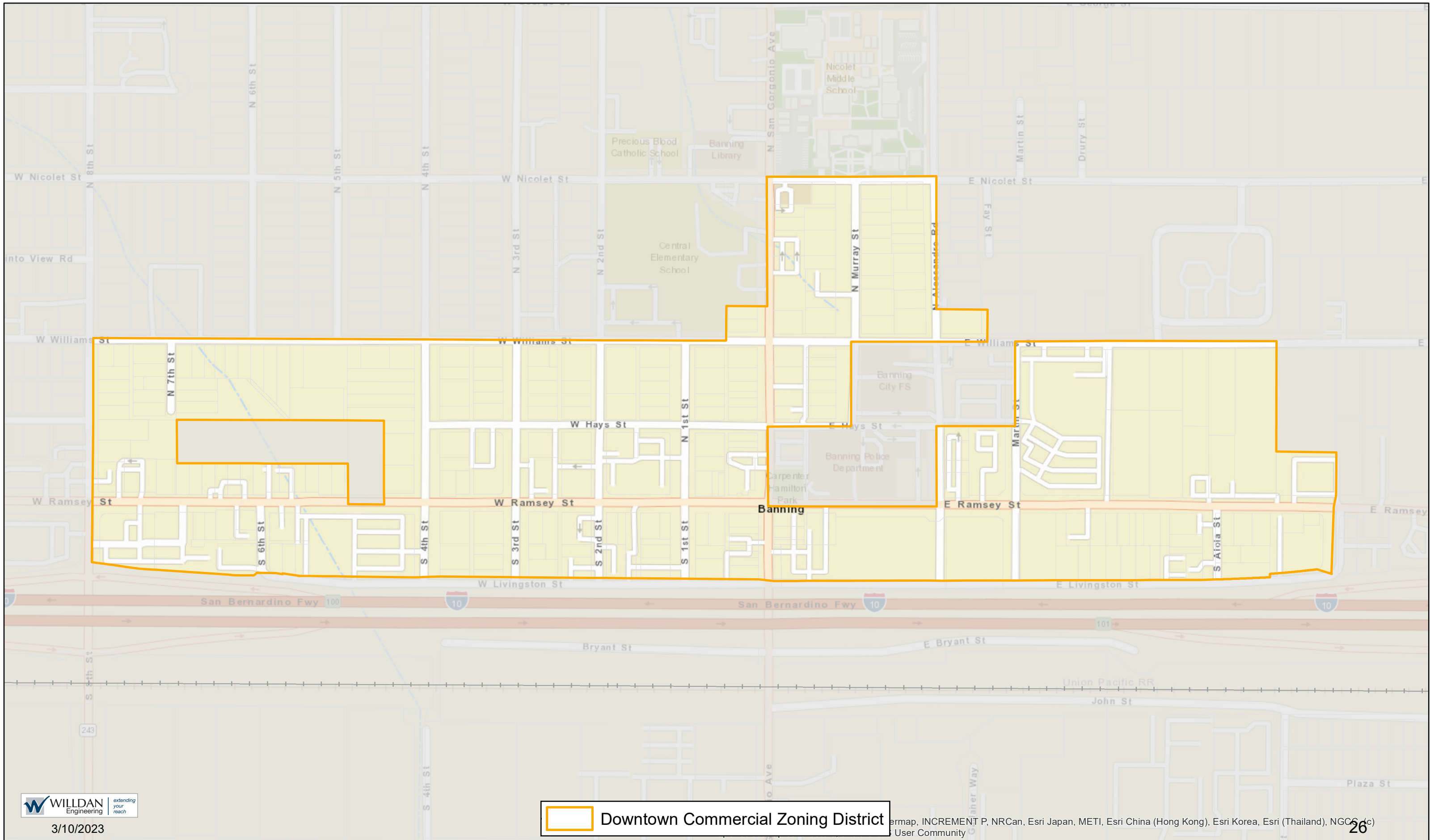




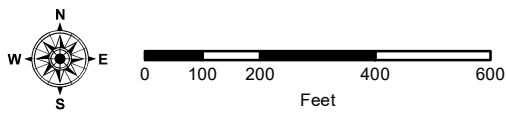


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Feet

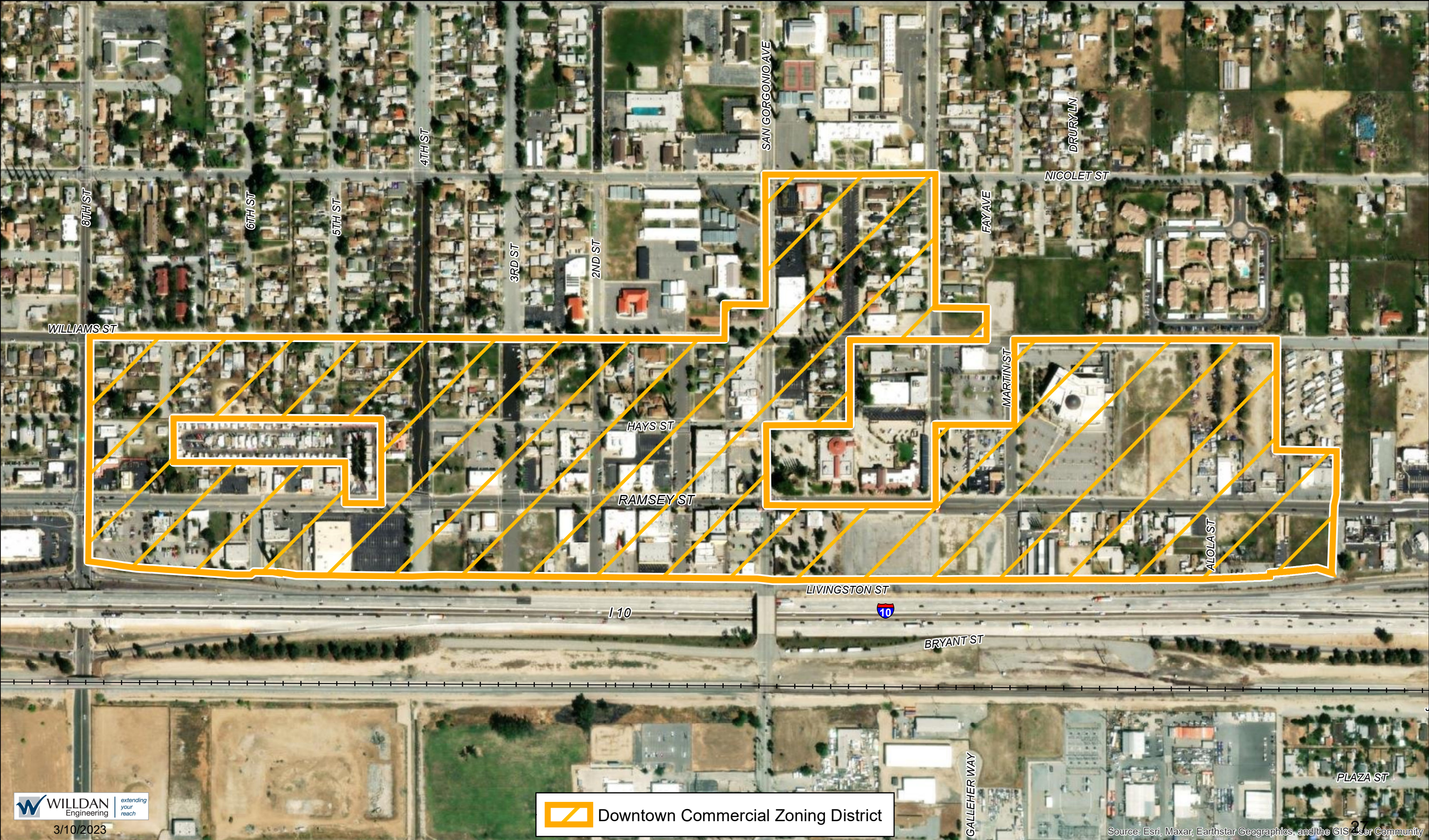
# CITY OF BANNING DOWNTOWN COMMERCIAL ZONING DISTRICT







CITY OF BANNING  
DOWNTOWN COMMERCIAL ZONING DISTRICT





CITY OF BANNING  
DOWNTOWN COMMERCIAL ZONING DISTRICT

